

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

Claims 1-3 and 5-16 are pending in the application. The Applicants have amended claims 1, 5-8, 14, and 15. Claim 4 has been canceled. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Allowable Subject Matter**

On Page 13 of the Office Action, the Examiner the Examiner stated that claims 4-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Rather than rewriting claim 4 in independent form, the Applicants have canceled claim 4 and incorporated the limitation of claim 4 into base claim 1. Therefore, the allowance of amended claim 1 is respectfully requested.

Claims 5-8 originally depended from intermediate claim 4. Claims 5-8 have been amended to depend from amended claim 1. Therefore, the allowance of amended claims 5-8 is respectfully requested.

Claims 9-11 depend in series from amended claim 8. Therefore, the allowance of claims 9-11 is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. § 103(a)**

On Page 3 of the Office Action, the Examiner rejected claims 1-3 and 12-16 under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art (hereinafter AAPA) in view of McDonagh, et al. (US 7,328,262 hereinafter McDonagh). The Applicants have amended the claims to better distinguish the claimed invention from AAPA and McDonagh. The Examiner's consideration of the amended claims is respectfully requested.

As noted above, claim 1 has been amended to incorporate the limitation of allowable claim 4. Therefore, the allowance of amended claim 1 and dependent claims 2, 3, 12, and 13 is respectfully requested.

Independent claim 14 recites a UMTS network corresponding to the method of amended claim 1. Claim 14 has been amended to incorporate the limitation of allowable claim 4. Therefore, the allowance of amended claim 14 is respectfully requested.

Independent claim 15 recites a monitoring device, which performs the measuring and determining steps of amended claim 1. Claim 15 has been amended to incorporate the limitation of allowable claim 4. Therefore, the allowance of amended claim 15 is respectfully requested.

#### 4.) Prior Art Not Relied Upon

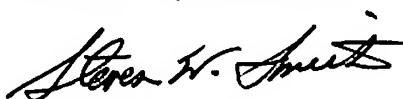
On Page 13 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. However, the Applicants have amended all of the independent claims to include limitations, which the Examiner has indicated are allowable.

#### 5.) Conclusion

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-3 and 5-16.

The Applicants request a telephone interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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